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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,485	05/17/2005	Deborah Jane Cooke	C4265(C)	3943

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EXAMINER

KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/535,485

Applicant(s)

COOKE ET AL.

Examiner

Amina Khan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/25/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-7 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bettiol et al. (WO 00/65015).

The prior art of Bettiol et al. teaches methods of improving the color appearance of fabrics (page 13, paragraph 3, lines 1-3) by soaking fabrics in solutions of fabric care compositions (page 50, paragraph 5, lines 1-3) comprising 0.01-50% by weight of the film forming polymer (page 15, paragraph 1, lines 1-2), specifically hydroxyethyl cellulose (page 18, paragraph 5, lines 1-3), and surfactants (page 14, paragraph 2, lines 1-4), which meets the claimed limitations of claim 1,3,4 and 7. Bettiol further teaches that the film forming polymers have a degree of substitution from 0.5-3 (page 19, paragraph 1, lines 5-6), which meets the claimed limitations of claims 5 and 6. Bettiol

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further teaches that the film-forming polymer exhibits a viscosity of at least 10 Cp in a 2% by weight aqueous solution (page 12, paragraph 3, lines 1-2), which meets the claimed limitation of claim 10.

Regarding the claim language "luminance less than 50", as recited in claim 1, the applicant is claiming a method of treating colored fabrics with a wash liquor comprising a hydroxyl C2-C4 alkyl derivative of a beta 1-4 polysaccharide and a surfactant. The claimed luminance value does not contribute to the methods steps and therefore was not given patentable weight.

Accordingly, the teachings of Bettiol et al. anticipate the material limitations of the instant claims.

In the alternative, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat colored fabrics with the claimed luminance properties because the Bettiol teaches methods of improving the color appearance of fabrics by treatment with similar compositions.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lähtenmäki et al. (WO 99/61479).

The prior art of Lähtenmäki et al. teaches methods of laundering fabrics and textiles in washing solutions containing modified cellulose ethers, specifically hydroxyethyl celluloses (page 4, line 11) with molecular weights between 90,000-1,300,000 (page 4, lines 11-12), which meets the claimed limitations of claims 8 and 9, and surfactants (page 5, lined 14-16) to impart anti-fading benefits (page 5, lines 31-34).

Regarding the claim language "luminance less than 50", the applicant is claiming a method of treating colored fabrics with a wash liquor comprising a hydroxyl C2-C4 alkyl derivative of a beta 1-4 polysaccharide and a surfactant. The claimed luminance value does not contribute to the methods steps and therefore was not given patentable weight.

The prior art differs from the claims in that it is silent about the specific color of the fabric and does not teach the claimed concentration of a hydroxyl C2-C4 alkyl derivative of a beta 1-4 polysaccharide.

One of ordinary skill in the art would have been motivated to use the methods taught by Lähtenmäki et al. to treat fabrics with a luminance less than 50, including black fabrics, because Lähtenmäki teaches methods which provide improved antifading benefits (page 5, paragraph 5, lines 31-35) to the fabrics in general using a similar composition encompassed by the material limitations of the instant claims. Furthermore, it would have been obvious to optimize the concentration of the hydroxyethyl cellulose to 0.1-0.001 g/L to obtain the best results because Lähtenmäki teaches the inclusion of 0.1-5% by weight cellulose based components (page 5, lines

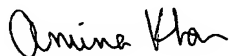
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11-13) in detergent compositions which are later diluted in a washing solutions during laundering (page 5, line 31). The resulting wash liquor would be expected to have a similar concentration of hydroxyethyl cellulose. The burden is on the applicant to prove otherwise.

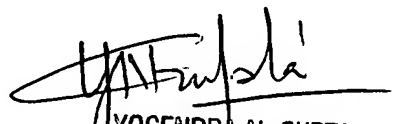
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Amina Khan, PhD  
Patent Examiner  
December 28, 2005



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